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## **Planning Commission Staff Report ADDENDUM**

**TO:** PLANNING COMMISSION

**FROM:** KEITH NEWMAN, PLANNER II  
(480) 503-6812, KEITH.NEWMAN@GILBERTAZ.GOV

**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER  
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE:** MARCH 4, 2020

**SUBJECT:**

- A. GP19-08 THE CARSON: REQUEST FOR MINOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROX. 2.85 ACRES GENERALLY LOCATED SOUTH OF THE SOUTHWEST CORNER OF GILBERT RD. AND CIVIC CENTER DR. FROM SHOPPING CENTER (SC) TO RESIDENTIAL >14-25 DU/ACRE LAND USE CLASSIFICATION.
- B. Z19-20 THE CARSON: REQUEST TO REZONE APPROX. 2.85 ACRES GENERALLY LOCATED SOUTH OF THE SOUTHWEST CORNER OF GILBERT RD. AND CIVIC CENTER DR. FROM MARICOPA COUNTY RURAL-43 (RU-43) TO MULTI-FAMILY/MEDIUM (MF/M) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

**STRATEGIC INITIATIVE:** Exceptional Built Environment

To allow an urban multi-family development integrated into the mixed-use area near the Gilbert Town Square commercial development.

## **RECOMMENDED MOTION**

- A. Move to recommend to Town Council approval of GP19-08, a Minor General Plan Amendment; and
- B. For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z19-20, as requested, subject to the conditions listed in the staff report.

## **APPLICANT/OWNER**

Company: Pew & Lake, PLC.

Name: Sean Lake

Address: 1744 S. Val Vista Dr., Ste 217  
Mesa, AZ 85204

Phone: 480-461-4670

Email: sean.lake@pewandlake.com

Name: James M. Shahan Family Trust

Address: 13200 S. Gilbert Rd.  
Gilbert, AZ 85204

## **BACKGROUND/DISCUSSION**

<b>Date</b>	<b>Description</b>
<i>November 6, 2019</i>	Planning Commission reviewed GP19-08 and Z19-20 as a study session item.
<i>March 24, 2020</i>	First Annexation Town Council Public Hearing scheduled.

## **Overview**

The applicant is requesting to change the land use classification and zoning of an approx. 2.85 acre site that is generally located south of the southwest corner of Gilbert Road and Civic Center Dr. The land use classification is proposed to change from Shopping Center (SC) to Residential > 14-25 DU/Acre with a rezoning request from Maricopa County Rural 43 (RU-43) to Multi-Family /Medium (MF/M) with a Planned Area Development (PAD) overlay, to modify certain standards and ultimately allow the construction of a 44-unit Townhouse development.

Staff notes a concurrent annexation application is being processed to bring the subject site under the jurisdiction of the Town of Gilbert.

## **Surrounding Land Use & Zoning Designations:**

	<b>Existing Land Use Classification</b>	<b>Existing Zoning</b>	<b>Existing Use</b>
North	Shopping Center (SC)	Shopping Center (SC)	Gilbert Town Square Commercial
South	Residential>3.5-5 DU/Acre	Single Family Residential (SF-6)	Dave Brown Millett Ranch Subdivision
East	Public Facility/Institutional (PF/I)	Public Facility/Institutional (PF/I)	Town of Gilbert Public Safety Complex

West	Shopping Center (SC)	Shopping Center (SC)	Gilbert Town Square Commercial
Site	Shopping Center (SC)	Maricopa County Rural 43 (RU-43)	Existing Residential

### General Plan Amendment

The existing General Plan land use classification is Shopping Center (SC) and the subject site is currently located in Maricopa County's jurisdiction. To develop the property as proposed, the applicant is requesting a minor General Plan amendment to Residential > 14-25 DU/Acre, which is consistent with their request for a density of 15.4 DU/Acre. The site is located in close proximity to a mixed-use environment consisting of the Gilbert Town Square Commercial/Residential, Towne Center Shops, and a single-family residential development.

The applicant has stated that they believe they conform to the General Plan for the following reasons:

### 2.4 Land Use and Growth Areas

- **Goal 1.0; Policy 1.1:** Maintain a balance of housing types and provide a variety of employment opportunities with easily accessible retail and service uses.
- **Goal 1.0; Policy 1.3:** Encourage residential development that allows for a diversity of housing types for all age groups and is accessible to a range of income levels.
  - *Applicant Notes - The Carson meets both of the above General Plan Goals and Policies by introducing a new style and price range of housing in this more established part of the Town. The Carson is conveniently located to employment areas and retail and service uses. Future residents of the Carson may be first-time homeowners or empty-nesters who want to live in proximity to the vibrant Heritage District.*
- **Goal 3.0; Policy 3.3:** Classify land uses in a way that recognizes both the use of the property and the desired scale of the use.
  - *Applicant Notes - The size of this parcel, 2.8 acres, provides just enough property for a new 44-unit multi-family community that is not overwhelming or out-of-scale with the surrounding properties.*
- **Goal 4.0:** Provide a diversity of quality housing types for a variety of lifestyles.
- **Goal 4.0; Policy 4.1:** Provide an adequate supply of appropriately zoned land to accommodate a variety of future housing needs.
  - *Applicant Notes - The Carson Square promotes an appropriate mix of housing and employment opportunities in the immediate area. Additional housing options will provide alternatives for people seeking to live and work in the area between Loop 202 and the Heritage District. Additional housing will support the needs of employers and retailers who wish to be near their employees and customers. In addition, The Carson will add a housing option that is in high demand in the immediate area. Nearby existing multifamily communities are reportedly over 90%*

*occupied and market reports indicate that the trend will continue for many years as individuals and families from all walks of life seek the convenience of a well-located home with a smaller footprint.*

- **Goal 4.0; Policy 4.2:** Encourage appropriate locations for multi-family residential uses that do not adversely impact lower density residential neighborhoods.
  - *Applicant Notes - Higher density housing is an appropriate use on this site as a transitional buffer between the less-intense single family residential to the south, and the more-intense commercial property to the north. The Carson will take advantage of the SRP parcel to the south to provide a more generous setback from the southern boundary. This proposed development does not include access from the Carson to the community to the South.*
- **Goal 4.0; Policy 4.4:** High density housing is encouraged near large employment centers and/or transportation corridors.
- **Goal 7.0; Policy 7.1:** Balance traffic circulation needs with the goal of creating pedestrian-oriented neighborhoods and convenient employment/retail centers.
  - *Applicant Notes - The addition of multi-family uses in the area south of Gilbert Road and Warner is complementary to nearby existing and planned employment centers such as the Gilbert Civic Center, Gilbert Public Schools Complex, Gilbert Town Square, Gilbert Heritage District, etc. The Carson will provide a housing opportunity for municipal employees who wish to live close to work and near the vibrant downtown community. Bringing workforce housing to this area reduces automobile trips, vehicle trip lengths, and the number of cars travelling on the arterial street system—and encourages walking, biking, and other means of transportation.*

## **Rezoning**

The Carson project is requesting a rezoning for the subject site from Maricopa County Rural 43 (RU-43) to Multi Family/Medium (MF/M) with a PAD overlay to accommodate the development of a multi-family, 2 story, 44-unit townhome community with a proposed gross density of 15.4 DU/Acre. The intent is to provide a contemporary multi-dwelling environment that will complement and support nearby businesses and provide a land-use transition between the intense uses found at the Gilbert Town Square Commercial development and the single-family subdivision to the south of the subject site.

As proposed, the project has a gated entry off Gilbert Road and a single 26' wide drive aisle that proceeds through the property to the west end of the site. There are five driveways from the main drive aisle that provide access to ten different building clusters. The buildings contain three to five units apiece. The units in The Carson range in size from 747 to 1,380 square feet. Each unit has a two-car garage, a private patio and upper-level balcony. Site amenities include a swimming pool with a ramada and BBQ grill south of the main entrance, a children's play area with seating towards the rear of the development, a small dog park and a grass area to the north of the main entrance.

## PAD Request

The applicant is requesting a set of modified development standards as part of the Planned Area Development (PAD) overlay zoning for the proposed development. As listed in the table below in **bold** the applicant is requesting modifications to building and landscape setbacks along all property lines.

**Project Data Table (requested modifications are shown in bold)**

Site Development Regulations	Required per LDC MF/M	Proposed MF/M PAD
Maximum Height (ft.)/Stories	40'	40'
Minimum Building Setbacks (ft.)		
Front	30'	30'
Side (Residential)	30'	<b>12'</b>
Side (Non-residential)	20'	20'
Rear (Non-residential)	20'	20'
Minimum Perimeter Landscape Area (ft.)		
Front	20'	20'
Side (Residential)	20'	<b>12'</b>
Side (Non-residential)	15'	15'
Rear (Non-residential)	20'	20'
Private Open Space (sq.ft./unit)	60'	60'
Common Open Space (Min.)	40% of net site	40.1% of net site
Separation between Buildings (ft.) Single or two story	20'	<b>7'</b>
Minimum Height of Solid Separation Fence (LDC – 4.109.A.2 (a)(b))	8' high	1) North Property Line: 8' high masonry wall 2) West Property Line: 8' high masonry wall <b>3) South Property Line: No wall</b>

### *Minimum Perimeter Building Setbacks and Landscape Areas*

According to the applicant, the proposed reduction on the south side of the property is requested because there is an existing 18'-wide parcel owned by SRP along the entire southern boundary. This 18' parcel, when added to the proposed 12' building setback in The Carson property, creates a 30-foot separation distance between the townhomes in The Carson, and the property line of the residential subdivision to the south. Moreover, the southern boundary of The Carson has been designed with lush landscaping that will be installed within the length of the easement through coordination with SRP.

### *Separation Between Buildings*

According to the applicant, a modification from the building separation requirement is being requested for only four specific areas on the plan. The separations in these areas range from 7'-6" to 14'-6", substantially more than the 5-foot separation permitted by the fire code. The applicant has achieved the required separation distance between the buildings facing Gilbert Road to maintain an openness at the entry to the site and to minimize any "canyon-like" effect on this very small property.

### *Minimum Height of Solid Separation Fence Along Southern Boundary*

According to the applicant a modification for the 8' separation fence between a multi-family and single-family development is being requested as there is an 18-foot SRP easement directly to the south of this development site which the project has agreed to landscape with trees and shrubs along with this development. This will be done with the intent of creating an enhanced buffer from this project to the single-family development to the south. If an 8-foot separation fence on the southern property line is constructed, it would create an 18-foot "canyon" space that would enhance neither The Carson, nor the community to the south. By removing the separation fence requirement, landscaping can be installed the entire 30-foot distance from the back fences of the adjacent community to the back walls of The Carson townhomes. This will create a much more desirable and cohesive look in this small development.

### **PLANNING COMMISSION STUDY SESSION, NOVEMBER 6, 2019:**

During the Study Session, the following comments were brought forth by the Planning Commission Members:

- Commissioners stated that there had been some trouble drawing commercial tenants to properties with the Gilbert Town Square development adjacent to the subject site due to the depth of the property, which may be an issue with the subject property. This has been dealt with by approving some higher density residential to the rear of the development, which seems to have worked out well.
- Commissioners expressed concern with giving up the Gilbert Road frontage for residential and that the Town would be missing an opportunity for commercial development with the prime Gilbert Road frontage potential adjacent to the Gilbert Town Square. They felt with time this could develop into something better and with some other potential infill projects in that area. The site was viewed as a good-sized lot that could be used for something other than residential.
- Commissioners expressed concerns over the total number of deviations and stated they would have a difficult time supporting the project as proposed.
  - *The applicant has eliminated all proposed modifications for reduced building and landscape setbacks along the north, east and west property boundaries. The remaining modifications proposed are along the southern property boundary which include reductions to the building and perimeter landscape setbacks adjacent to the*

*18' wide SRP Easement, elimination of a separation wall on the southern property boundary and the minimum separation between buildings.*

- Commissioners stated that if it ends up being a residential use, they would not agree to a deviation on the setbacks along Gilbert Road.
  - *The applicant has eliminated the building setback modification request along Gilbert Road.*
- Commissioners stated that they were surprised that no neighbors came out to the meeting, especially with the easement against the residential along the southern boundary. They would be interested to hear from the neighbors as these properties will be very close.
- Commissioners questioned if there would be a separation wall between these townhomes and the adjacent residential to the south.
  - *An additional separation wall is not proposed by the applicant along the southern property boundary as there is an existing 6' tall block wall along the southern boundary of the 18' wide SRP easement. The applicant is proposing to landscape the entire SRP easement and the proposed 12' perimeter landscape area which in total will provide a setback of 30' with landscaping from the adjacent residents.*
- Commissioners questioned what the benefit would be of landscaping the 18' SRP easement adjacent to the southern boundary of the property and felt that putting landscaping in an easement goes against the character of what the LDC was put into place for.
- Commissioners questioned the potential difficulty of leasing the property for commercial uses, although they would be interested to hear the justification.

### **PUBLIC NOTIFICATION AND INPUT**

A neighborhood meeting was held on February 25, 2019 at Shenandoah Mill in Gilbert. No surrounding residents attended the neighborhood meeting.

### **PROPOSITION 207**

An agreement to "Waive Claims for Diminution in Value" pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

### **STAFF RECOMMENDATION**

- A. Recommend to the Town Council approval of GP19-08, to change the land use classification of approx. 2.85 acres, generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr. from Shopping Center (SC) to Residential > 14-25 DU/Acre land use classification; and

- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z19-20 rezoning approx. 2.85 acres, generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr. from Maricopa County Rural 43 (RU-43) to Multi Family/Medium (MF/M) with a PAD overlay, subject to the following conditions:
- a. Dedication to Gilbert for Gilbert Road rights-of-way that are adjacent to the Property shall be completed prior to any Town approval to construct any part of the Project or sooner as required by the Town Engineer. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
  - b. Dedication of Gilbert Road rights-of-way that are adjacent to the Property shall extend 70 feet from the monument line. The western 5 feet of the 70-foot dedication shall be in the form of a public roadway easement.
  - c. Construction of off-site improvements to Gilbert Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier.
  - d. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
  - e. To the extent that any landscaping, open space, recreational facility, private street, utility, or other facility is held in common ownership, Developer shall create a Property Home Owner's Association (PHOA) for the ownership, maintenance, landscaping, improvements and preservation of said areas as required by the Town of Gilbert Land Development Code." ~~all common areas and open space areas, of the landscaping within the rights of way, and of the landscaping within the SRP Easement adjacent to the Property.~~
  - f. To the extent that any landscaping, open space, recreational facility, private street, utility, or other facility is held in common ownership, Developer shall record easements to be owned by the POA for pedestrian, bicycle or trail system purposes prior to Town approval to construct any part of the Project or sooner, if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
  - g. Prior to Town approval to construct any part of the Project, Developer shall pay for its proportional share of water and sewer mains benefitting the Property as required by the Town Engineer.



- h. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Development Regulations	Proposed MF/M PAD
Minimum Building Setbacks (ft.)	
Side (Adjacent to Single family residential zoning district)	12'
Minimum Perimeter Landscape Area (ft.)	
Side (Adjacent to Single family residential zoning district)	12'
Separation between Buildings (ft.) Single or two story	7'
Minimum Height of Solid Separation Fence (LDC – 4.109.A.2 (a)(b))	1) North Property Line: 8' high masonry wall 2) West Property Line: 8' high masonry wall 3) South Property Line: No wall

- i. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
- j. ~~No later than thirty (30) days from the effective date of this Ordinance, Prior to the issuance of the first certificate of occupancy for the project,~~ the Developer shall record a restrictive covenant on the Property ~~as well as requiring a provision in the lease agreement with future tenants,~~ that ~~prohibits resident vehicles from being parked in outdoor parking spaces,~~ requires a resident vehicle(s) to be parked inside the garages ~~to keep of the resident's unit, and restricts the use of outdoor parking spaces to for visitor vehicles only.~~ Enforcement of the parking restrictions described in this condition shall be the responsibility of the POA ~~or the Developer's designated property manager.~~ Nothing in this condition shall be interpreted to restrict emergency vehicles or to prohibit the parking of public service and public safety emergency vehicles pursuant to A.R.S. § 33-1809.
- k. Developer agreed to landscape the 18' SRP easement adjacent to the southern boundary as part of its fence modification request. Developer shall be required to provide said landscaping within the 18' SRP easement adjacent to the southern property boundary, which shall be coordinated with SRP and installed at the time of development of the Property.

Respectfully submitted,

Keith Newman  
Planner II

**Attachments and Enclosures:**

- 1) Notice of Public Hearing
- 2) Vicinity/Aerial Map
- 3) Project Narrative
- 4) General Plan Land Use Exhibit
- 5) Zoning Exhibit
- 6) Development Plan
- 7) Minutes from the Planning Commission Study Session on November 6, 2019

# ***Notice of Public Hearing***

**PLANNING COMMISSION DATE:**

**Wednesday, March 4, 2020 TIME: 6:00 PM**

**TOWN COUNCIL DATE:**

**Tuesday, April 7, 2020\* TIME: 6:30 PM**

**LOCATION: Gilbert Municipal Center  
Council Chambers  
50 E. Civic Center Drive  
Gilbert, Arizona 85296**

**\*Call Planning Division to verify date and time: (480) 503-6812**

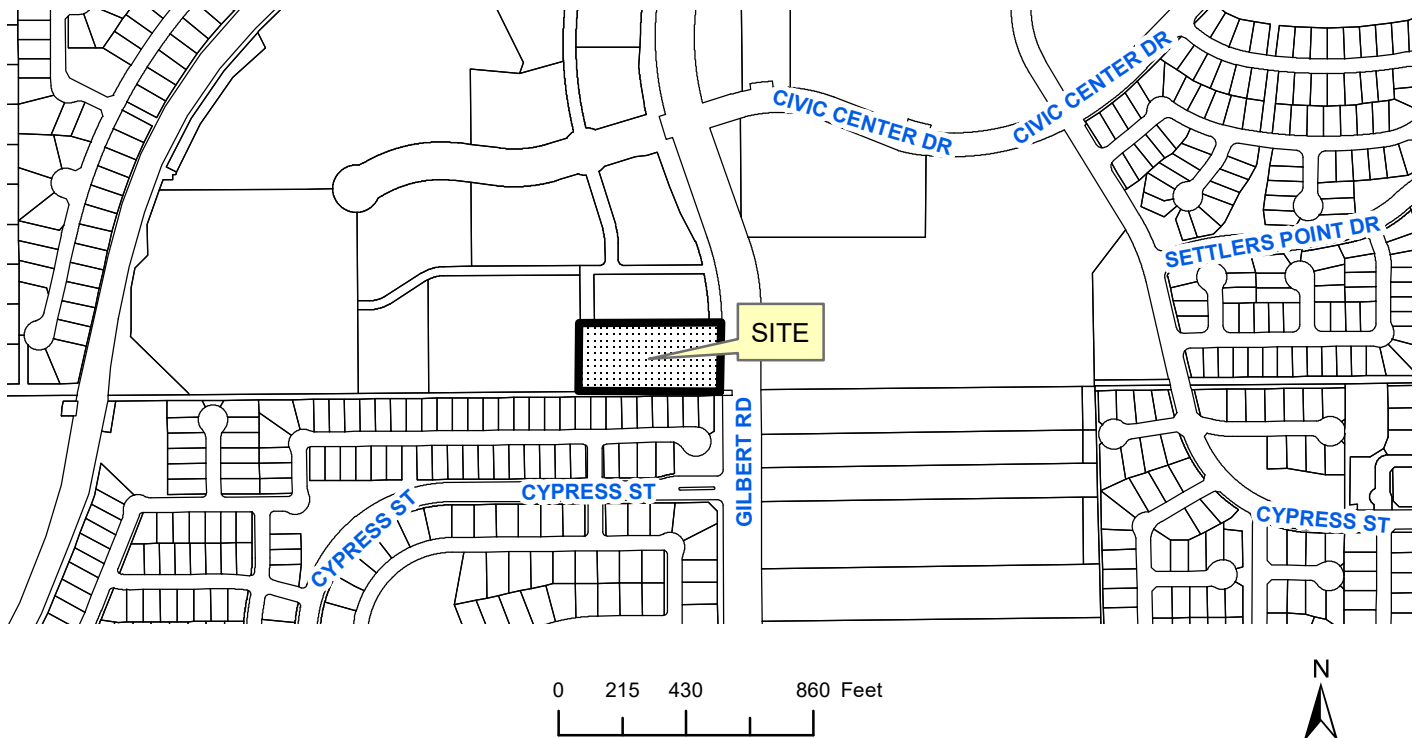
\* The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports are available prior to the meeting at [www.gilbertaz.gov/departments/development-services/planning/planning-commission](http://www.gilbertaz.gov/departments/development-services/planning/planning-commission) and [www.gilbertdocs.com/gilbertagendaonline](http://www.gilbertdocs.com/gilbertagendaonline).

## ***REQUESTED ACTION:***

**GP19-08 THE CARSON:** Request for Minor General Plan Amendment to change the land use classification of approx. 2.85 acres generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr. from Shopping Center (SC) to Residential >14-25 DU/Acre land use classification. The effect of this amendment will be to change the plan of development to allow residential development.

**Z19-20 THE CARSON:** Request to rezone approx. 2.85 acres generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr. from Maricopa County Rural-43 (RU-43) to Multi-Family/Medium (MF/M) zoning district with a Planned Area Development (PAD) overlay. The effect of this rezone will be to allow residential development with modified development standards as follows: reduction of building setbacks, reduction in landscape setbacks, and reduction in building separation requirements.

## ***SITE LOCATION:***



**APPLICANT: Pew & Lake PLC**  
**CONTACT: Sean Lake**  
**ADDRESS: 1744 S. Val Vista Dr., Suite 217**  
**Mesa, AZ 85204**

**TELEPHONE: (480) 461-4670**  
**E-MAIL: [sean.lake@pewandlake.com](mailto:sean.lake@pewandlake.com)**







**The Carson**  
13200 South Gilbert Road  
Gilbert, Arizona  
Annexation, Minor General Plan Amendment  
and Rezoning Narrative



Prepared for:

Porter-Kyle Builders

**Submitted by:**

Sean B. Lake  
Pew & Lake, PLC  
1744 S. Val Vista Drive, Suite 217  
Mesa, AZ 85204

**Submitted to:**

The Town of Gilbert

**February 19, 2020**

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## Development Team

### Applicant

Mr. Sean B. Lake  
Pew & Lake, PLC  
1744 South Val Vista Drive, Suite 217  
Mesa, AZ 85204  
ralph.pew@pewandlake.com

### Property Owner

James M. Shahan Family Trust  
13200 S. Gilbert Road  
Gilbert, AZ 85296

### Developer

Mr. Michael Stephan  
Porter Kyle Builders  
8149 East Evans Road, #8  
Scottsdale, AZ 85260  
mstephan@porterkyle.com

### Architect

Mr. Brian Andersen  
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207 North Gilbert Road, Suite 001  
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### Engineer

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1130 North Alma School Road, Suite 120  
Mesa, AZ 85201  
dan.auxier@epsgroupinc.com

### Landscape Architecture

Mr. Jesse Westad  
WERK Urban Design  
455 N. 3<sup>rd</sup> Street, Suite 1010  
Phoenix, AZ 85004  
jesse@werkurbandesign.com

## About Porter Kyle Builders

Based in Scottsdale, Arizona, Porter Kyle builders is a vertically integrated, multifamily developer that specializes in the design and build of contemporary and sustainable townhome communities. The Porter Kyle team has been involved in the development and construction of over 5,000 multi-family units with construction values in excess of \$500 million.

## Project Overview

On behalf of Porter Kyle Builders, Pew & Lake, PLC is pleased to submit this project narrative and Conceptual Site Plan for The Carson, a proposed multifamily development on 2.85 gross acres located at the 13200 South Gilbert Road in the Town of Gilbert. The proposed development site located south of the intersection of Gilbert Town Square Avenue and Gilbert Road. It is known as Maricopa County Parcel Number 302-82-019A and the approximate boundaries of the proposed development site are shown below.



## Relationship to Surrounding Properties

As shown on the next page, the site is currently a single residential property that lies within unincorporated Maricopa County. It is surrounded by non-residential uses on three sides, and SF-6 residential uses to the south.

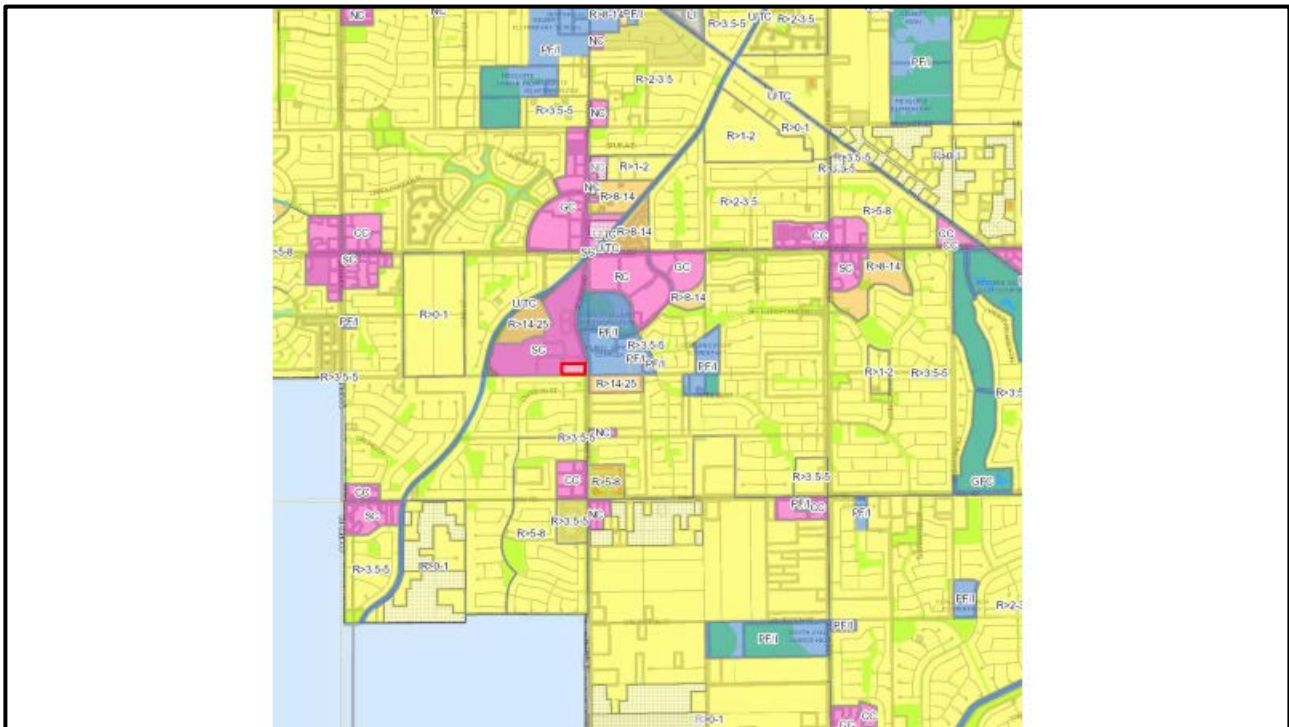


	General Plan Designation	Zoning Classification	Existing Use
North	SC	SC	Gilbert Town Square
South	Residential >5-8 du/ac	SF-6	SRP Easement/Residential
East	PF/I	PF/I	Gilbert Civic Center
Southeast	Residential >14-25 du/ac	MF/M	Multifamily (approved)
West	SC	SC	Gilbert Town Square
<b>Project Site</b>	<b>Shopping Center (SC)</b>	<b>RU-43 (County)</b>	<b>Residential</b>

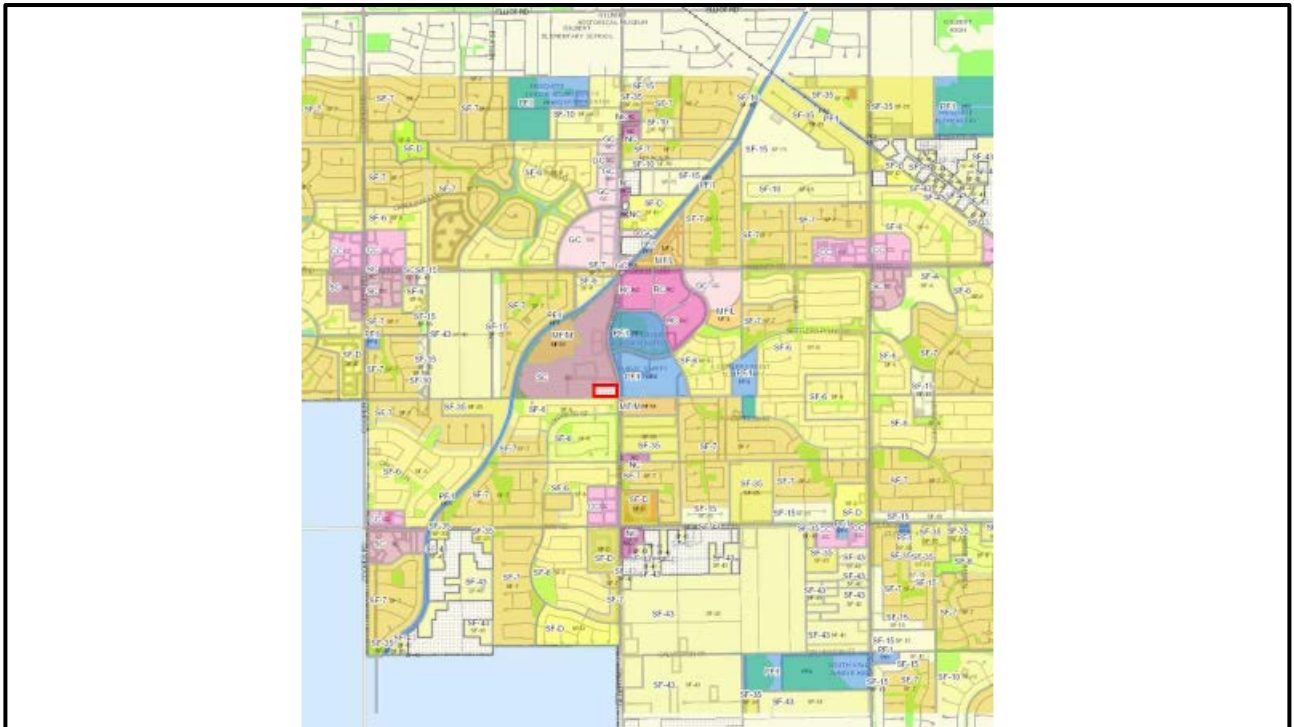
## Existing General Plan Designation and Zoning Classification

As shown above and in the graphics on the next page, the site is currently designated as a Shopping Center (SC) in the Town of Gilbert General Plan and has no Town zoning designation.

Town of Gilbert Land Use Map



## Town of Gilbert Zoning Map



## Design Intent

Porter Kyle designs and builds contemporary, energy efficient townhome communities that exude style. Designed by award winning architects, their new construction luxury townhomes live more like a single-family home than a traditional garden-style building. Porter Kyle is known for authentic and innovative design and quality construction. Some of the features found in Porter Kyle communities include:

- Swimming Pools in every Community
- Thoughtful landscape designs
- Interiors that include 10-foot ceilings, elegant hardwood style flooring, stainless steel appliances and direct-access, attached garages
- Sustainable and environmentally friendly building materials
- Energy efficient LED fixtures throughout the property.

Shown below and on the next page are examples of the overall design aesthetic and quality finishes proposed for The Carson:







## General Plan Analysis

The applicant and Property Owner believe that the proposed development meets the following General Plan Goals and Policies.

**Land Use and Growth Areas, Policy 1.1: Maintain a balance of housing types and provide a variety of employment opportunities with easily accessible retail and service uses.**

**Land Use and Growth Area Goal 1.0; Policy 1.3: Encourage residential development that allows for a diversity of housing types for all age groups and is accessible to a range of income levels.**

This project meets both of the above General Plan Goals and Policies by introducing a new style and price range of housing in this more established part of the Town. The Carson is conveniently located to employment areas and retail and service uses. Future residents of the Carson may be first-time homeowners or empty-nesters who want to live in proximity to the vibrant Heritage District.

**Land Use and Growth Area Goal 3.0; Policy 3.3: Classify land uses in a way that recognizes both the use of the property and the desired scale of the use.**

The size of this parcel, 2.8 acres, provides just enough property for a new 40-unit multi-family community that is not overwhelming or out-of-scale with the surrounding properties.

**Land Use and Growth Areas, Goal 4.0: Provide a diversity of quality housing types for a variety of lifestyles.**

**Land Use and Growth Areas, Policy 4.1: Provide an adequate supply of appropriately zoned land to accommodate a variety of future housing needs.**

The Carson promotes an appropriate mix of housing and employment opportunities in the immediate area. Additional housing options will provide alternatives for people seeking to live and work in the area between Loop 202 and the Heritage District. Additional housing will support the needs of employers and retailers who wish to be near their employees and customers.

In addition, The Carson will add a housing option that is in high demand in the immediate area. Nearby existing multifamily communities are reportedly over 90% occupied and market reports indicate that the trend will continue for many years as individuals and families from all walks of life seek the convenience of a well-located home with a smaller footprint.

**Land Use and Growth Area 4.0; Policy 4.2: Encourage appropriate locations for multi-family residential uses that do not adversely impact lower density residential neighborhoods.**

Higher density housing is an appropriate use on this site as a transitional buffer between the less-intense single family residential to the south, and the more-intense commercial property to the north. Similar to the manner in which Gilbert Town Square developed, The Carson will take advantage of the SRP parcel to the south to provide a more generous setback from the southern boundary. This proposed development does not include access from the Carson to the community to the South.

**Land Use and Growth Areas, Policy 4.4: High density housing is encouraged near large employment centers and/or transportation corridors.**

**Land Use and Growth Areas, Policy 7.1: Balance traffic circulation needs with the goal of creating pedestrian-oriented neighborhoods and convenient employment/retail centers.**

The addition of multi-family uses in the area south of Gilbert Road and Warner is complementary to nearby existing and planned employment centers such as the Gilbert Civic Center, Gilbert Public Schools Complex, Gilbert Town Square, Gilbert Heritage District, etc. The Carson will provide a housing opportunity for municipal employees who wish to live close to work and near the vibrant downtown community. Bringing workforce housing to this area reduces automobile trips,

vehicle trip lengths, and the number of cars travelling on the arterial street system—and encourages walking, biking, and other means of transportation.

## General Plan Amendment Criteria

In addition to meeting the above Goals and Policies of the Town's General Plan, the applicant has addressed the following factors as recommended by the Town for all General Plan amendment requests:

### **A. Why is the current General Plan designation not suitable?**

There are a few very important reasons that the General Plan designation for this property is unsuitable. They are: the size, location and the configuration of the parcel.

At 2.85 gross acres, the site is not particularly well-suited for development under the SC land use designation. While there are certainly other SC-designated parcels in the Town that are similar in size, upon examination of the General Plan Land Use map it becomes apparent that the vast majority of those similarly-sized parcels are located on the corner of an arterial/arterial intersection, or on arterial/collector intersection. This site is not situated in either manner. Additionally, the parcel's long, narrow shape (479' x 228') poses a challenge for retail users due to the short amount of frontage that presents on Gilbert Road, especially a site that is on a curve in Gilbert Road. Moreover, the commercial center to the north has been developed without anticipating commercial development on this property, with no cross-access provided to this property. The hub of activity at Gilbert Town Square is internal to that site and provide little opportunity for connectivity and meaningful interaction with this parcel. The location, size and shape of a shopping center is vital to the ability to properly design a shopping center with adequate ingress and egress, visibility, parking, traffic and circulation. Without these very basic components, commercial tenants will not be set up for success.

### **B. How the proposed change is compatible with adjacent properties and other elements of the General Plan.**

The key word in this question is "compatible", which is the measure of the ability to exist together in harmony. Often misconstrued as "identical", compatible uses are those that can coexist in proximity to one another and provide appropriate transitional buffering from dissimilar uses. The Carson supports the vision, goals, and policies of the Town's General Plan, which promotes a mix of synergistic land uses that transition from areas of higher intensity to areas of lower intensity. It encourages the development of infill properties and a balance of housing types to support future housing demand. The proposed development accomplishes this by providing a multi-family land-use transition between a commercial use north and west of the site and the traditional single-family residential uses to the south of the site. The developer is working with the shopping center owner to provide pedestrian connectivity between the Carson and the

commercial property to the north which will reinforce the compatibility between the developments.

**C. Any unique physical characteristics of the site that present opportunities or constraints for development under the existing designation.**

The site is flat and unremarkable in its topography. However, as previously noted, the lack of frontage on Gilbert Road makes it unsuitable for conventional retail development as is typical in the Shopping Center land use designation. Typical shopping center uses rely on drive-by traffic and the ability to maneuver on the site and, unfortunately, the narrowness of the site does not provide for the parking and circulation required for shopping center uses. Additionally, this site is encumbered by the spacing of the existing traffic signal and the desire of the Town's traffic department to have a single curb cut towards the southern end of the property and the requirement that all turns be right-in and right-out. This restriction in circulation on the site also precludes typical retail development.

**D. Explanation on the availability of public utilities and services.**

As detailed in the pre-application conference, public utilities are available to the site in the form of both water and sewer lines in Gilbert Road. The site is also in close proximity to Town of Gilbert public safety facilities which will ensure fast response times in the event of a medical or law enforcement issue.

**E. The proposed fiscal impact of future development based on the evaluation of projected revenue and the additional cost of providing public facilities and services to accommodate projected increases or decreases in population.**

If The Carson develops as proposed, it is projected to have a population of 70 residents. (1.75 persons per household; Maricopa County average multi-family household size). The addition of 70 residents to the Town's population is negligible and will have an imperceptible impact on the Town's ability to provide facilities and services to its residents.

**F. How the proposed amendment affects the ability of the community to sustain the physical and cultural resources, including air quality, water quality, energy, natural and human-made resources necessary to meet demands of present and future residents.**

The proposed minor GPA does not diminish the ability of the Town to sustain its physical and cultural resources. If this proposed amendment is approved, the resulting increase in population in the Town will have an inconsequential impact on air or water quality, natural or human-made resources. The Town of Gilbert is a beautiful and sustainable community that provides great neighborhoods for its residents. By contributing to the diversity of housing options in this area, the proposed residential community will serve to enhance, not detract from the Town of Gilbert's

ability to continue to serve as one of the country's best cities in which to live.

## Zoning Analysis

As proposed, The Carson will feature 40 dwelling units at a resulting density of 14.03 Gross DU/AC. This density falls at the bottom end of the prescribed density of 14-25 DU/AC in the MF/M zoning district and Land Use category. As shown on the development standards table provided as Appendix A of this narrative, we are using the Planned Area Development (PAD) tool to request some minor deviations from the Town's Land Development Code. As outlined in the Town of Gilbert Land Development Code (LDC), one of the purposes of the Planned Area Development (PAD) Overlay district is to provide opportunities for unique or mixed-use development. This small, infill parcel presents the perfect opportunity for a unique multi-family development that will provide a transitional use between the existing single-family residential development south of the parcel, and the commercial uses to the north of the development site. A strict application of the development standards found in the LDC would preclude the type of creative development offered at The Carson.

## Proposed Deviations

Shown on the next page are the development standards required for Multifamily/Medium Density development in the Town of Gilbert. The requested deviations for The Carson are shown in red.

Standard	Required- MF/M	Proposed- The Carson
Minimum Perimeter <b>Building</b> Setbacks:		
South Side- (residential)	30'	12'
Minimum Perimeter <b>Landscape</b> Areas:		
South Side-(single-family residential)	20'	12'
Building Separations: Two-story	20'	7'
Minimum Height of Solid Separation Fence	8'	1) North Property Line: 8' high masonry wall 2) West Property Line: 8' high masonry wall 3) <b>South Property Line: No wall</b>

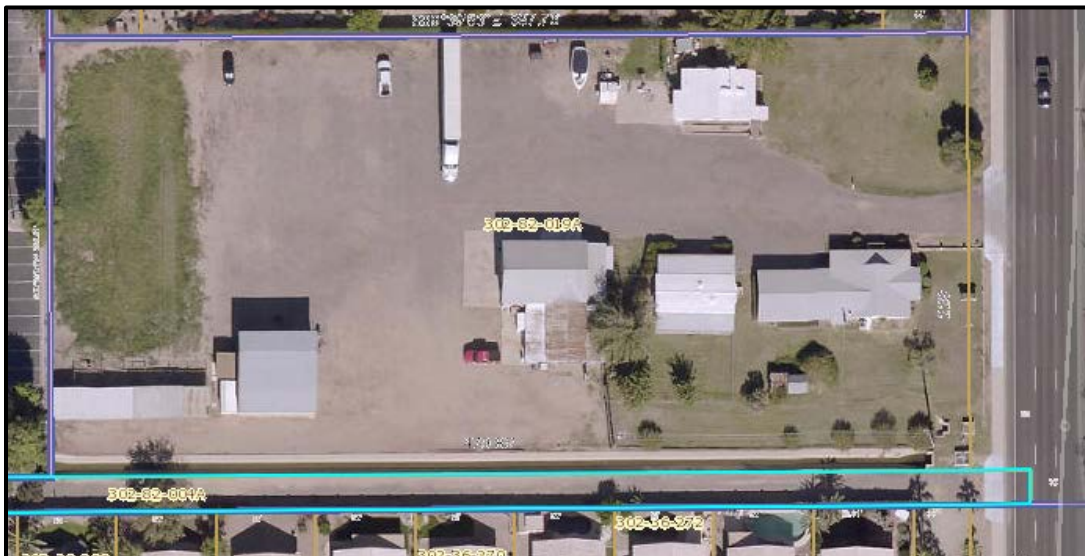


Parking Analysis- 40 Dwelling Units			
	# of Units	Spaces Required	Spaces Provided
1 Bedroom (1 per unit)	9	9	18
2 Bedroom (2 per unit)	11	22	22
3 Bedroom (2 per unit)	20	40	40
Guest Parking (.25 sp per unit)		10	11
<b>Total</b>	<b>40</b>	<b>81</b>	<b>91</b>
Enclosed/Covered Parking			80
Uncovered Parking			11
<b>Total</b>			<b>91</b>

## Setbacks

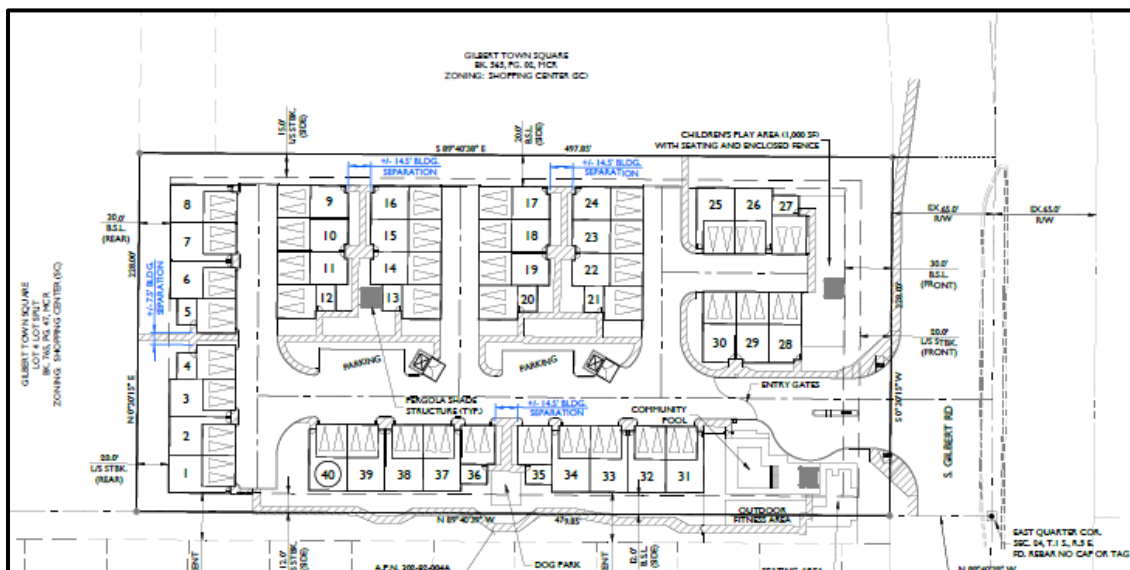
As shown on the table, we are requesting reductions in the side yard landscaping and building setbacks, and the building separation requirement.

The proposed reductions on the south side of the property is due to the fact that there exists an 18'-wide parcel (shown below) owned by SRP all along the southern boundary. This 18' parcel, when added to the 12' proposed building setback in The Carson property, will create a 30-foot separation distance between the townhomes in The Carson, and the property line of the residential subdivision to the south. Moreover, the southern boundary of The Carson has been designed with lush landscaping that will be installed within the length of the easement through coordination with SRP. Within the resubmittal documents is an email from SRP indicating the ability to install landscaping in this area.



## Building Separation

As shown on the below, we are requesting a deviation from the building separation requirement for only four specific areas on the plan. The separations in these areas range from 7'-6" to 14'-6", substantially more than the 5-foot separation permitted by the fire code. We have tried to extract every possible inch of separation possible on the site. Most importantly, we have achieved more than the required separation distance at the buildings facing Gilbert Road in order to maintain an openness at the entry to the site and to minimize any "canyon-like" effect on this very small property. We have also provided a building separation that closely matches the 15' building separation of the homes within Dave Brown Millett Ranch, the subdivision to the south.



## Separation Fence

Finally, we are requesting a deviation from the code requirement for an 8' separation fence between a multi-family and single-family development. As discussed previously in this narrative, there is an 18-foot SRP easement directly to the south of this development site which we intend to landscape with trees and shrubs along with this development. This will be done with the intent of creating an enhanced buffer from this project to the single-family development to the south. If we erected an 8-foot separation fence on the southern property line, it would create an 18-foot "canyon" space that would enhance neither The Carson, nor the community to the south. By removing the separation fence requirement, landscaping can be installed the entire 30-foot distance from the back fences of the adjacent community to the back walls of The Carson townhomes. This will create much more desirable and cohesive look in this small development.



Open Space Analysis; 109,405 net s.f. site area				
	Required s.f.	Required % of net site	Provided s.f.	Provided % of net site
Common Open Space (not including SRP)	43,762 s.f.	40%	43,829 s.f.	40.1%
Private Open Space 60 s.f x40 units	2,400 s.f.		4,546 s.f.	4.1%
Total Amount of Open Space	46,162 s.f.	42.2%	48,375 s.f.	44.2%
Total Amount of Open Space (Including SRP Property)	-	-	56,969 s.f.	52.1%

## Neighborhood Outreach

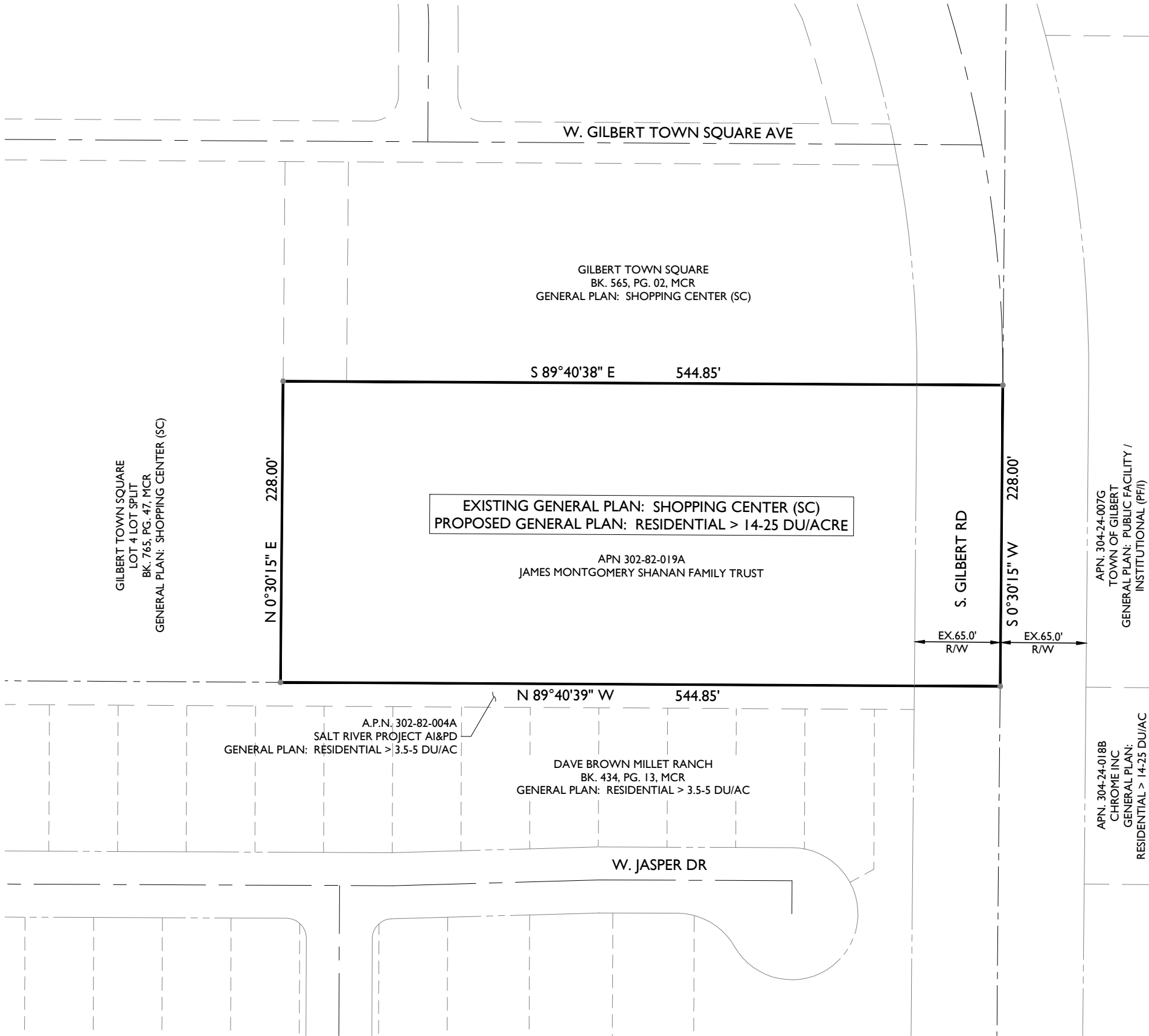
As required by the Town of Gilbert Land Development Code, a neighborhood meeting was held on February 25, 2019. The required 300' notification distance yielded a notification list of 35 property owners. The developer and property owner attended the meeting along with land use Counsel, and a member of the Town's Planning Staff. No neighbors attended the meeting.

## Conclusion

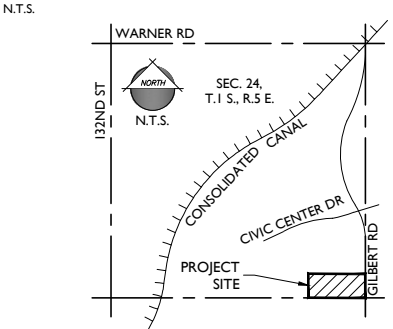
Porter Kyle has identified the Town of Gilbert as a dynamic community in need of a diversity of housing options for its current and future residents and is excited to develop a multifamily residential community at this unique, infill location. We look forward to gathering input from Town staff that will allow us to make our vision for this site a reality.

# GENERAL PLAN EXHIBIT FOR THE CARSON | LUXURY TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER, SECTION 24, T.1 S., R.5 E.,  
GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



## VICINITY MAP



## PROJECT TEAM

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brian@BMAarchitecture.com

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MESA, AZ 85210  
TEL: (480) 503-2250  
FAX: (480) 503-2258  
CONTACT: DANIEL AUXIER, P.E.  
dan.auxier@epsgruoinc.com

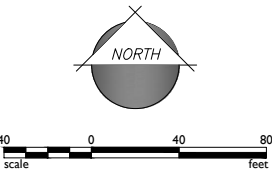
**LANDSCAPE ARCHITECT**  
WERK  
455 N. 3RD STREET, SUITE 1010  
PHOENIX, AZ 85004  
TEL: (602) 429-9922  
CONTACT: JESSE WESTAD  
jesse@werkurbandesign.com

## PROJECT DATA

A.P.N.: 302-82-019A  
EXISTING ZONING: RU-43  
PROPOSED ZONING: MULTI-FAMILY / MEDIUM DENSITY (MF/M)

EXISTING GENERAL PLAN: SHOPPING CENTER (SC)  
PROPOSED GENERAL PLAN: RESIDENTIAL > 14-25 DU/ACRE

GROSS AREA: ± 2.85 ACRES  
NET AREA: ± 2.51 ACRES

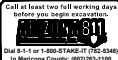


The Carson | Luxury Townhomes

General Plan Exhibit

Project

Revisions:	
APRIL 9, 2019 - PRE APPLICATION SUB	
AUGUST 29, 2019 - 1ST GENERAL PLAN SUB	
NOVEMBER 26, 2019 - 2ND GENERAL PLAN SUB	



Designer: DCH  
Drawn by: DCH

Preliminary  
Not For  
Construction  
Or  
Recording

Job No.  
19-0113

GP01

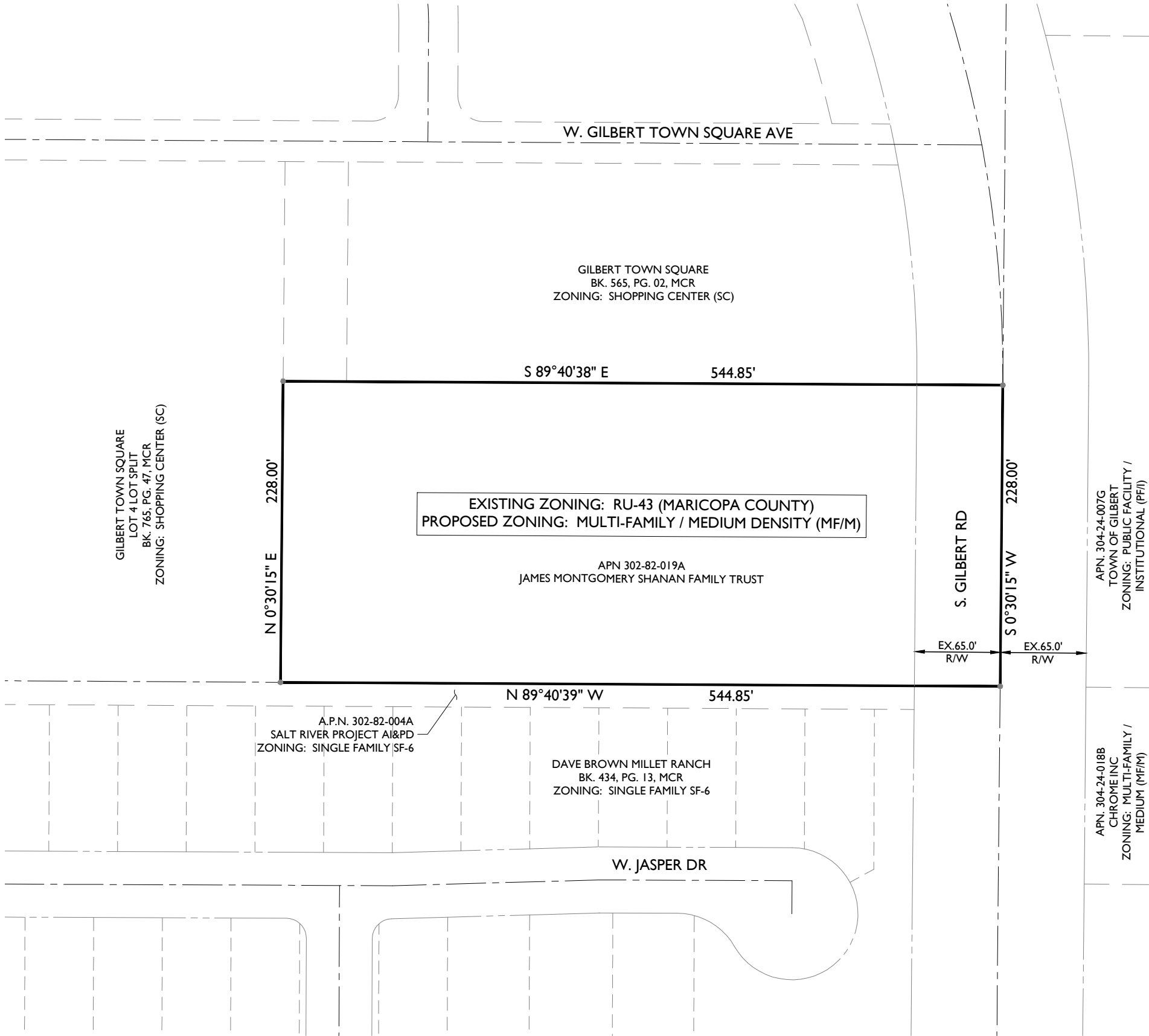
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1  
of 1

2045 S. Vineyard Ave, Suite 101  
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www.epsgruoinc.com



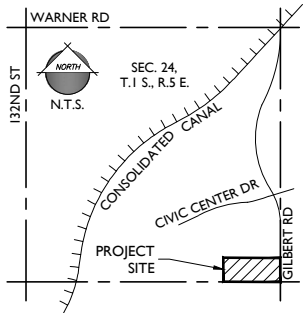
# ZONING EXHIBIT FOR THE CARSON | LUXURY TOWNHOMES

A PORTION OF THE NORTHEAST QUARTER, SECTION 24, T.1 S., R.5 E.,  
GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



## VICINITY MAP

N.T.S.



## PROJECT TEAM

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TEL: (602) 429-9922  
CONTACT: JESSE WESTAD  
jesse@werkurbandesign.com

## PROJECT DATA

A.P.N.:  
EXISTING ZONING:  
PROPOSED ZONING:

302-82-019A  
RU-43 (MARICOPA COUNTY)  
MULTI-FAMILY / MEDIUM DENSITY (MF/M)

EXISTING GENERAL PLAN:  
PROPOSED GENERAL PLAN:

SHOPPING CENTER (SC)  
RESIDENTIAL > 14-25 DU/ACRE

GROSS AREA:  
NET AREA:

± 2.85 ACRES  
± 2.51 ACRES

The Carson | Luxury Townhomes

Project

Revisions:
APRIL 9, 2019 - PRE APPLICATION SUB.
AUGUST 28, 2019 - 1ST ZONING SUB.
NOVEMBER 26, 2019 - 2ND ZONING SUB.



Designer: DCH  
Drawn by: DCH

Preliminary  
Not For  
Construction  
Or  
Recording

Job No.  
19-0113

ZN01

Sheet No.  
1  
of 1

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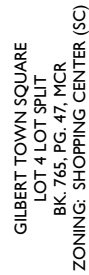


Gilbert, Arizona

Zoning Exhibit

19-0113

dhughes Feb 19, 2020 2:54pm S:\Projects\2019-0113\Planning\Drawings\Entitlements\19-0113 - DP01.dwg



CHILDREN'S PLAY AREA  
(428 SF) WITH SEATING

RECREATION AREA (1,719 SF)

RGOLA SHADE  
STRUCTURE (TYP.)

ENTRY GATES

COMM

EX. 7.0' SRP ESMT  
PER DKT. 15981,  
PG. 1161, MCR

20.0'  
L/S STBK  
(FRONT)

EX. 7.0' SRP ESMT  
PER DKT. 15981,  
PG. 1161, MCR

20.0'  
L/S STBK  
(FRONT)

OUTDOOR ENTERTAINMENT  
AREA, BBQ  
— SEATING AREA

EAST QUARTER COR.  
SEC. 24, T.1 S., R.5 E.  
FD. REBAR NO CAP OR TAG

N 89°40'39" W  
65.00'

EX. 5.0' SRP ESMT. PER  
DOC 1997-548867, MCR  
(TO BE ABANDONED)

EX. 7.0' SRP ESMT. PER  
DOC. 1997-548867, MCR  
(TO BE ABANDONED)

EX. 3.0' SRP ESMT.  
PER DKT. 6939,  
PG. 608, MCR  
(TO BE ABANDONED

A.P.N. 302-82-004A  
SALT RIVER PROJECT AI&PD  
ZONING: SINGLE FAMILY SF-6

DAVE BROWN MILLET RANCH  
BK. 434, PG. 13, MCR  
ZONING: SINGLE FAMILY SF-6

W. JASPER DR

N.T.S.



**ATTORNEY:**  
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TEL: (602)-429-9922  
CONTACT: JESSE WESTAD  
jesse@werkurban design.com

A.P.N.:  
CURRENT LAND USE:  
EXISTING GENERAL PLAN:  
PROPOSED GENERAL PLAN:

EXISTING ZONING: RU-43  
PROPOSED ZONING: MULTI-FAMILY / MEDIUM DENSITY (MF/M)

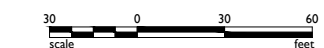
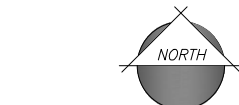
GROSS AREA: ± 2.85 ACRES (± 124,224 SQ. FT.)  
NET AREA: ± 2.51 ACRES (± 109,405 SQ. FT.)

DENSITY: 14.0 DU/ACRE

NO. OF UNITS		
1 BEDROOM	9 UNITS	(22%)
2 BEDROOM	11 UNITS	(28%)
3 BEDROOM	20 UNITS	(50%)
<b>TOTAL</b>	<b>40 UNITS</b>	<b>(100%)</b>

OPEN SPACE: ± 1.01 ACRES (± 43,829 SQ. FT.)  
OPEN SPACE (%): 40.1% OF NET AREA

STANDARD	LDC MF/M REQUIRED	PROPOSED MF/M
MIN. PERIMETER BUILDING SETBACKS SOUTH SIDE (RESIDENTIAL)	30'	12'
MIN. PERIMETER LANDSCAPE SETBACKS SOUTH SIDE (RESIDENTIAL)	20'	12'
MIN. BUILDING SEPARATION	20'	7'
MINIMUM HEIGHT OF SOLID SEPARATION FENCE	8' HIGH	1) NORTH PROPERTY LINE: 8' HIGH CMU WALL 2) WEST PROPERTY LINE: 8' HIGH CMU WALL 3) SOUTH PROPERTY LINE: NO WALL

 PEDESTRIAN CIRCULATION

The Carson | Luxury | Townhomes  
Gilbert, Arizona

## Development Plan

## Revisions:

AUGUST 29, 2019 - 1ST ZONING SUB.  
NOVEMBER 26, 2019 - 2ND ZONING SUB.  
JANUARY 13, 2020 - 3RD ZONING SUB.  
FEBRUARY 14, 2020 - 4TH ZONING SUB.

at least two full working days  
before you begin excavation.

**ARIZONA 811**

1-800-4-A-ARIZONA or 1-800-STAKE-IT (782-8348)

Designed by: DCH  
Drawn by: DCH

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Job No. 9-0113

DP01

Sheet No. 1 of 1

Ms. Bethel stated the concept is for an open shared courtyard in the center of the retail and restaurant development.

Commissioner September noted this was a small parcel in an odd-shaped triangle which has a functional obsolescence. He was happy to see someone proposing a development on this parcel. From a setback perspective, he felt it was warranted to allow a little more flexibility on this parcel. He asked about the deviation for the front setback to 10' from the property line. He noted from the property line to the curb was another 29' of space. He asked if there were future plans for lane widening on Guadalupe Road or would that space remain for some time.

Ms. Bethel will need to research whether there were any CIP plans to expand that road. Typically, when a site is looking to develop, the town requests the amount of right-of-way that will allow for any type of future expansion that may be needed. That 29' right-of-way area may be more than what is actually required.

Commissioner Mundt liked the design and thought this strange little triangle was well-utilized. He liked that there is the nursery on the other side which gives that farm to table feel. He cautioned to have some additional lighting or other safety features to provide some indication of when trains are approaching, possibly integrated within the rail system.

**4. GP19-08 THE CARSON: Request for Minor General Plan Amendment to change the land use classification of approx. 2.85 acres generally located south of the southwest corner of Gilbert Road and Civic Center Dr. from Shopping Center (SC) to Residential >14-25 DU/Acre land use classification.**

**Z19-20 THE CARSON: Request to rezone approximately 2.85 acres of real property generally located south of the southwest corner of Gilbert Rd. and Civic Center Dr. from Maricopa County Rural-43 (RU-43) to Multi-Family/Medium (MF/M) zoning district with a Planned Area Development (PAD) overlay. The effect of this rezone will be to allow residential development with modified development standards.**

Chair Andersen declared a conflict with this item and left the dais.

Planner Keith Newman presented GP19-08 and Z19-20 The Carson, request for a General Plan Amendment and rezoning for 2.85 acres. There is a companion application for an annexation that will go before the Council shortly. The site is currently zoned Maricopa County Rural-43 (RU-43) and the applicant is proposing to go to Multi Family-Medium (MF/M). The General Plan designation is Shopping Center (SC) and the proposal is to change to Residential >14-25 DU/Acre. The proposed PAD overlay is to secure the overall site layout and design and a few deviations are being requested. The site is located at Gilbert Road west of the Public Safety Training Facility.

The development plan shows 10 to 12 proposed buildings with one main entrance off of Gilbert Road. The proposal is for 44 units with a density of 15.5 DU/Acre. The units range in size from 747 SF to a little over 1,300 SF, each with a two-car tandem garage.

The applicant is requesting PAD deviations per the table provided below:

Site Development Regulations	Required per LDC MF/M	Proposed MF/M PAD
Maximum Height (ft.)/Stories	40'	40'
Minimum Building Setbacks (ft.)		
Front	30'	20'
Side (Residential)	30'	13'



Side (Non-residential)	20'	<b>10'</b>
Rear (Non-residential)	20'	<b>10'</b>
Minimum Perimeter Landscape Area (ft.)		
Front	20'	<b>20'</b>
Side (Residential)	20'	<b>10'</b>
Side (Non-residential)	15'	<b>10'</b>
Rear (Non-residential)	20'	<b>10'</b>
Private Open Space (sq.ft./unit)	60'	60'
Common Open Space (Min.)	40% of net site	<b>21.6% of net site</b>
Separation between Buildings (ft.) Single or two story	20'	<b>14'-4"</b>

Staff has concerns with the deviation for the front building setback to 20' and the landscape setback to 20 feet. The justification for those requested setbacks is not clear and staff has asked for more information from the applicant. The applicant stated that due to the setback of the adjacent commercial developments with some of those buildings being set back 75' feet, they feel that is enough to justify reducing the setbacks along the perimeter to 10' because there is plenty of separation and buffer between the existing uses.

Along the south property line, there is an 18' easement owned by SRP. The applicant's justification along the south boundary is that there is ample room for a buffer because there is 30' to 35' of separation distance between their property and the residential boundaries because of the SRP easement. Staff was not too concerned on that deviation request.

The percentage of common open space is proposed at 21% with landscaping installed in the 18' SRP easement. Staff has asked the applicant to provide a letter from SRP stated they are acceptable to that request. Part of their justification for the deviation is that there will be a significant buffer to the residential to the south. Without that easement and without SRP's permission to place landscaping, staff would not be able to support that deviation. The applicant is proposing 21% common open space, when 40% is required, almost a 50% reduction. Staff's major concern is that the applicant is proposing private patio space as part of the landscape setback, which would greatly reduce the ability to provide plants and trees as a buffer from dissimilar uses.

A neighborhood meeting was held, although surprisingly, no one attended. Staff is requesting input from the Commission on the requested deviations and the overall design of the development.

#### **QUESTIONS/COMMENTS FROM THE COMMISSION:**

Commissioner Cavenee understood that there has been some trouble drawing commercial tenants due to the depth of the property. This has been dealt with by approving some higher density residential in back of this property, which seems to have worked out great. His concern was with giving up the Gilbert Road frontage for residential. From the big picture perspective, he is already hesitant to be on board with this proposal. All of the requested deviations draw him even further away from being enthused about this project. He was surprised that no neighbors came out to the meeting, especially with the easement against the residential. He would be interested to hear from the neighbors as these properties will be very close. He asked if there would be a separation wall between these townhomes and the residential.

Mr. Newman stated yes, there would be an 8' block wall.

Commissioner Cavenee asked what would be the benefit of landscaping 18' of alley. He felt there were too many deviations and the Gilbert Road frontage would not be the best place to give up on SC (Shopping Center) zoning. He was not sure how hard it is to lease this property to commercial, although he would be interested to hear the justification.

Commissioner Mundt echoed Commissioner Cavenee's sentiments. Due to the sheer magnitude and number of deviations being requested, he asked what consolations were actually being made. He felt putting landscape in an easement goes against the character of what the LDC was put into place for to some extent. Why wouldn't the homes have been able to do that? He asked what this parcel was in the past and what were some of the reasons it couldn't be sold.

Vice Chair Bloomfield felt Commissioner Mundt was asking about any prior activity on the site.

Mr. Newman stated to his knowledge, this is the first proposal and he was not aware of any previous development applications for this property.

Commissioner Mundt would like to see a better picture of the reasoning behind this proposal. He felt there was more work to be done.

Commissioner September asked if the open space calculations typically included private patios.

Mr. Newman stated they do not. Staff made the comment during the pre-app meeting that they were not supportive of including private patio space to meet the common open space percentage requirement.

Commissioner September noted this is a small parcel similar to the odd parcel in The Murphy presented earlier. He was glad to see someone take a shot at it. He liked this as a buffer to the single-family to the south. He shared a lot of the concerns with the reductions in open space and the setbacks to residential, and the Gilbert Road frontage.

Commissioner Simon shared the sentiments of the other members that this was possibly jumping in too quick to put residential on this site. He feared we would be missing an opportunity with the prime Gilbert Road frontage potential with the Town Center being there. He felt with time this could develop into something better and with some other potential infill projects in that area. This is a good-sized lot that could actually be used for something other than residential. He did not know that he would be in favor of the project as well as the restructuring and resizing of the setbacks and other requirements.

Commissioner Mundt asked if the 21% open space already included the patios.

Mr. Newman stated the applicant did include the patios in the open space percentage. The applicant is stating that they actually have over 40% open space, although they are using the proposed landscaping in the SRP easement to satisfy the common open space requirement. Staff is not in agreement with that. He was not sure what the open space requirement would be without the private patios. Staff has asked for clarification on that, but has not yet received any further information from the applicant.

Vice Chair Bloomfield believed the 21% was the base common open space, which jumps up to 43% when the private patios and SRP easement are included. He did not like the project for a number of reasons, including the setbacks. He might be okay with a setback reduction on the south, but not on Gilbert Road if this ended up being the use. It looks like there are opportunities for access into this parcel from the back from the parking lot, and with the frontage, it is very viable for a commercial use, even though it is a narrow and deep parcel. He was not largely in favor of this use. If it ends up being a residential use, he would not agree to a deviation on the setbacks along Gilbert Road. The project could lose a couple buildings to provide a little more open space and still be in the >14-25 DU/Acre, although it may not meet the open space required based on how staff wants it to be calculated. He was not in favor of private open space being counted in the common open space requirement. He felt staff was on the right track. The Commissioners have all expressed concerns regarding it being residential versus commercial on this site and Vice Chair Bloomfield concurred with that.

With no further discussion on this item, Chairman Andersen returned to the dais.

**5. GP19-12 VAL VISTA SQUARE: Request for Minor General Plan Amendment to change the land use classification of approximately 9.1 acres of real property generally located southeast of the southeast corner of Val Vista Drive and Pecos Road from Regional Commercial land use**